

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

VICKIE L. LAMB,)
Plaintiff,)
v.)
SELECT SPECIALTY HOSPITAL-)
FORT WAYNE, INC.,)
Defendant.)

CAUSE NO. 1:10-CV-469

OPINION AND ORDER

Before the Court is a stipulated motion by the parties seeking approval of a revised proposed protective order pursuant to Federal Rule of Civil Procedure 26(c). (Docket # 30.) As the proposed order is deficient, it will be DENIED.

Federal Rule of Civil Procedure 26(c)(7) allows the Court to enter a protective order for good cause shown. However, the Seventh Circuit Court of Appeals has made it clear that a protective order may only issue if the order “makes explicit that either party and any interested member of the public can challenge the secreting of particular documents.” *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999). Language permitting an interested member of the public to challenge the secreting of particular documents is missing from the revised proposed protective order.¹

For this reason, the Court hereby **DENIES** the stipulated motion seeking approval of the

¹ This term was included in the parties' first proposed protective order (Docket # 28), but apparently was dropped in the revised proposed protective order.

revised proposed protective order submitted by the parties (Docket # 30). Of course, the parties may submit a further revised protective order consistent with the requirements of Federal Rule of Civil Procedure 26(c)(7) and Seventh Circuit case law.

SO ORDERED.

Enter for this 28th day of September, 2011.

S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge